

### **REMARKS**

This application has been reviewed in light of the Office Action dated January 29, 2009. Claims 1-17 are pending in the application. By the present amendment, claim 1 has been amended. This amendment is in response to the Examiner's request for clarification of the term 'cellular phone feature.' The amendment makes no substantive changes to the subject matter of the claim and, hence, does not require a new search to be performed. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendments and the following remarks is respectfully requested.

#### **Rejections under 35 U.S.C. 112, Second Paragraph**

Claims 1-17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner contends that it is not clear what defines the 'cellular phone feature' recited in claim 1.

MPEP §2173.02 states, in pertinent part:

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made

The applicants assert that the language of claim 1 is clear and definite in light of both the content of the present specification and the claim interpretation that would be

given by one skilled in the art. Regarding the content of the present specification, there are numerous places throughout the specification which mention features offered by cellular handsets other than the ability to place and receive phone calls. For example, page 11, lines 3-9 states:

Also, the present invention advantageously provides the capability for existing home Corded/Cordless phones to make/receive calls, receive Caller ID information of a cell/PCS call, have three party conversation, call Hold, Call duration indication and many other features offered by cell/PCS handset through the TAP.

Additionally, the present invention advantageously provides the capability to distribute data from the cell/PCS network, in the form of Instant Message (IM), MM, and email to any of the residential phones/terminals.

In addition, page 44, lines 6-15 recites:

[T]he audio gateway 116: sends call hang-up notification to cell phone; has the ability to put a call "on hold"; engage in a conference mode operation of the cell/ PCS phone with POTS line; perform Cell/ PCS Call re-routing through POTS line; has the capability to upload/download digital images; has the capability to collect information and control different products and appliances through the cellular network; has the capability to send instant messages/Multimedia messages; adjusts Audio level (volume); has the ability to put Call on Hold; has the ability to forward a voice message left by the Cell phone Caller to a designated person or group through a computer based dial up or through an independent (stand alone modem) by e-mailing an Wave or MP3 file.

Moreover, it is well-known in the art that cellular phones offer numerous functions besides placing and receiving phone calls. A few examples of such functions in addition to those mentioned above include ringtones, calendars, and alarms. One skilled in the art would certainly understand the language of claim 1 to be referring to these numerous additional functions offered by the cellular phone handset. Thus, one skilled in

the art would be able to “interpret the metes and bounds of the claim so as to understand how to avoid infringement” (MPEP §2173.02).

Nevertheless, even though the applicants believe the present language of claim 1 is clear and definite, by the present amendment, claim 1 has been amended to recite, *inter alia*, “the audio gateway configured to employ a profile to provide additional features offered by the cellular phone handset.” The applicants believe that this language certainly recites the claimed subject matter in a clear and definite manner.

Therefore, applicants assert that claim 1 meets the requirements of 35 U.S.C. 112, second paragraph. In addition, since claims 2-17 were found to be indefinite by virtue of their dependency from claim 1, applicants believe that claims 2-17 also conform with the requirements of 35 U.S.C. 112, second paragraph. Reconsideration of the rejection is respectfully requested.

#### **Rejections under 35 U.S.C. 102(e)**

Claims 1, 2, 8, 10, 15, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US 2006/0019666 to Tell et al. (hereinafter Tell).

Tell is directed to a method and gateway for controlling call routing. Tell discloses an infrastructure for routing calls from a cellular network to a residential POTS network. Tell teaches that a soft switch present within the service provider’s WAN, works in conjunction with a residential gateway to route calls from the cellular network to the POTS network.

Tell does not, however, teach an “*audio gateway configured to employ a profile to provide additional features offered by the cellular phone handset to the at least one residential POTS phone*,” as recited in amended claim 1.

As discussed above, Tell is directed only to the routing of phone calls from a cell phone to a residential POTS network. The present invention, however, is directed not only to call routing, but to *full integration* of the cell phone into the residential POTS network (see, e.g., the titles of the two specifications: Tell: “Method and Gateway for Controlling Call Routing;” Present invention: “Integrated Cellular/PCS-POTS Communication System”). The integration disclosed by the present invention includes much more than just call routing. This is demonstrated throughout the specification, most notably in page 11, lines 3-9:

Also, the present invention advantageously provides the capability for existing home Corded/Cordless phones to make/receive calls, receive Caller ID information of a cell/PCS call, have three party conversation, call Hold, Call duration indication and many other features offered by cell/PCS handset through the TAP.

Additionally, the present invention advantageously provides the capability to distribute data from the cell/PCS network, in the form of Instant Message (IM), MM, and email to any of the residential phones/terminals.

and page 44, lines 6-15:

[T]he audio gateway 116: sends call hang-up notification to cell phone; has the ability to put a call “on hold”; engage in a conference mode operation of the cell/ PCS phone with POTS line; perform Cell/ PCS Call re-routing through POTS line; has the capability to upload/download digital images; has the capability to collect information and control different products and appliances through the cellular network; has the capability to send instant messages/Multimedia messages; adjusts Audio level (volume); has the ability to put Call on Hold; has the ability to forward a voice

message left by the Cell phone Caller to a designated person or group through a computer based dial up or through an independent (stand alone modem) by e-mailing an Wave or MP3 file.

In this manner, the present invention provides far more than a bridge for call routing between cellular and POTS technologies. As discussed in the applicants' previous response, the present invention provides for an extensive feature inventory dialog to take place between the audio gateway and the cellular phone at initialization (present specification page 64, lines 9-19 and Figure 35). Thus, the present invention ensures that the feature richness of cellular technologies is made available to the residential POTS phones or terminals and not lost in the integration process.

In contrast, Tell makes no mention of availing cellular phone features other than call routing to the residential POTS phone. Tell only teaches the creation a basic association between a wireless device and the residential gateway through simple registration (see, e.g., Tell paragraph [0026]). This association between a wireless device and the residential gateway merely provides connectivity between the residential gateway and the wide area network. Nowhere does Tell disclose or suggest that this association includes cellular phone feature acquisition and distribution to the residential POTS environment.

Furthermore, as mentioned above, cellular handsets / mobile devices include numerous features in addition to the capability to place and receive calls. Many cell phone users take advantage of these additional features and utilize their cellular handsets / mobile devices as much more than just a phone. By allowing these features to be

accessed via the POTS network phones, the present invention vastly increases the usability and convenience of integrating the cellular and POTS residential networks.

For example, many users keep their personal calendars on their mobile device or may have photos and/or videos stored on their cellular handset. If these features are not integrated into the POTS network and not accessible through compatible POTS phones, a user will have to go to the cellular handset when that user wishes to access these features. If the user heavily relies on these features, for example the personal calendar, not having these features available on the POTS system severely limits the benefit of integrating the cellular network with the POTS network. Thus, the present invention, by including the functionality to make such features available on the POTS system, provides a significant advantage over the system disclosed by Tell. It is clear that Tell does not contemplate the increased convenience, portability, usability and interoperability provided by the present invention' integrated systems. As such, Tell cannot be said to anticipate the present invention.

In view of the foregoing remarks, it is quite clear that Tell does not teach or remotely suggest at least, an *“audio gateway configured to employ a profile to provide additional features offered by the cellular phone handset to the at least one residential POTS phone,”* as recited in claim 1, as amended.

Therefore, applicants assert that claim 1 is distinct and patentable over Tell for at least the reasons mentioned above. In addition, claims 2-17 are believed to be patentable over the cited art at least by virtue of their dependency from claim 1. Reconsideration of the rejection is respectfully requested.

**Rejections under 35 U.S.C. 103(a)**


Claims 3-7, 11-14, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tell. Since claims 3-7, 11-14, and 17 are dependent from claim 1, applicants believe that these claims are patentable over Tell for at least the reasons cited above with respect to claim 1.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of September 30, 2008 be withdrawn, that pending Claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account 07-0832.

Respectfully submitted,

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